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NETWORK APPLIANCE/BLAKELY  
12400 WILSHIRE BLVD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER
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VAUTROT, DENNIS L

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,861	<b>Applicant(s)</b> DESHMUKH ET AL.	
	<b>Examiner</b> Dennis L. Vautrot	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 3, 5, 6, and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. In particular, claim 1 recites collecting data, scanning a directory, determining a number of child nodes, adding the number to a count, scanning a child node, combining the information into a summary and reducing the reference count, but fails to recite a tangible result, a requirement for compliance with the provisions of 35 U.S.C. § 101 for a process that can be interpreted as being implemented through software. In addition, claim 3 recites scanning a child node, claim 5 recites scanning a node and combining the information into a summary, claim 6 recites scanning a directory and a child node, and claim 9 recites scanning another directory. None of these would constitute a tangible result.

For a result to be tangible, it must be more than just a thought or a computation; it must have real-world value rather than an abstract result. For instance, an additional step that included either storing the collected data in a database, or displaying said collected data to a user would constitute a tangible result. The claims here merely cite collecting, scanning, determining, adding, reducing, using, or combining various data.

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 9, 16, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Cole** (US 2004/0196970).

6. Regarding claims 1 and 16, **Cole** discloses a method of and machine readable medium having stored thereon executable program code which causes a machine to perform a method of collecting data from a storage server comprising:

scanning [searching] a directory on the storage server (See page 3, paragraph [0033] "In the above representative command line format, "pathname" identifies a target directory, the contents of which the user desires to be searched...");

determining a number of child nodes in the directory, and adding the number to a reference count (See page 4, paragraph [0035] "...it increments counters for the total number of files and directories encountered, and then returns to the parent directory at 324.");

scanning a child node to collect information about the child node, and combining the information into a summary of the directory; and reducing the reference count after scanning the child node. (See page 4, paragraph [0035] "If, on the other hand, the user does wish for sub-directories to be recursively checked..., then the software proceeds at 336 to recursively test all files in each directory or sub-directory that is encountered."

Examiner interprets the recursion routine to automatically decrement the count as described in the claim, since recursion would necessarily involve doing so. Also, while **Cole** is scanning for whether or not files are encrypted, the basic process of searching the directories for all of the files and collecting information, as noted in the claim, is still occurring.)

7. Regarding claims 9 and 24, **Cole** additionally discloses scanning another directory once the reference count is equal to zero. (See Cole, page 4, paragraph [0035] "If, on the other hand, the user does wish for sub-directories to be recursively checked..., then the software proceeds at 336 to recursively test all files in each directory or sub-directory that is encountered." Examiner also interprets the recursion routine to incorporate this limitation from the claim. Once the count associated with the recursion routine reaches zero, the next directory is then scanned.)

8. Claims 10, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hackworth** (US 2002/0125938).

9. Regarding claim 10, **Hackworth** discloses an apparatus comprising: a storage server having a mass storage device (See page 2, paragraph [0028] "In addition exemplary filers 110 and 112...are connected to the LAN. These filers...are networked storage appliances configured to control storage of, and access to, data in a set of interconnected storage volumes 120 and 122, respectively...organized to include one or more RAID groups of physical storage disks for increased data storage integrity and reliability." Storage volumes 20 and 122 are examples of mass storage devices.);

an agent [monitor process] coupled to the storage server [management station], the agent to scan [polls] the mass storage device [volumes and devices], to collect information [statistical information] about a file stored on the storage server, and to combine the information into a summary of a directory in which the file is located (See

page 1, paragraph [0009] "A monitor process polls the volumes and devices for statistical information and returns it to the management station."); and

a database server coupled to the server and the agent to store the summary (See page 1, paragraph [0009] "There is a database that stores information about users in the group and various threshold values that are associated with the statistical information.")

10. Regarding claim 11, Hackworth additionally discloses the storage server is a filer. (See page 1, paragraph [0002] "The network storage appliance or filer includes an operating system that implements a file system to logically organize the information as a hierarchical structure of directories and files on the disk.")

11. Regarding claim 15, **Hackworth** additionally discloses the agent has a first file system different from a second file system of the storage server. (See page 1, paragraph [0002] "The network storage appliance or filer includes an operating system that implements a file system to logically organize the information as a hierarchical structure of directories and files on the disk." And see paragraph [0004] "Each volume is generally associated with its own file system..." The volume's own file system is part of the storage server from the claim.)

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 3, 5, 7, 8, 17, 18, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cole** as applied to claim 1 above, and further in view of **Kita et al.** (hereinafter **Kita**, US 6,430,611).

14. Regarding claims 2 and 17, **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly teach writing the summary to a database server. However, **Kita** teaches writing [storing] the summary to a database server [SRM database]. (See column 5, lines 4 – 6 “The SRM server performs additional processing of the information received from the SRM agents and stores the information in the SRM database.”) A person of ordinary skill in the art would have been motivated to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including writing the summary to a database server as disclosed in **Kita**, the information that is gathered using the method as disclosed in **Cole** and be stored and used for further processing. It is for this reason that one of ordinary skill in the art would have been motivated to include writing the summary to the database server.



15. Regarding claims 3 and 18, **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly teach scanning a child node comprises using an agent separate from the storage server to scan the child.

However, **Kita** teaches scanning a child node comprises using an agent separate from the storage server to scan the child. (See column 4, line 67 – column 5, line 4 “The storage resource manager agents gather information from the computers on which they are installed, process the information, and in response to requests for the SRM server, the SRM agents pass the processed information to the SRM server.”) A person of ordinary skill in the art would have been motivated to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including a separate agent as disclosed in **Kita**, the server can be more efficient by not being burdened with as much of the processing (see page 5, lines 27-29 “The information may be processed in the SRM agent to reduce the total quantity of information to be sent to the SRM server.”) It is for this reason that one of ordinary skill in the art would have been motivated to include scanning a child node comprises using an agent separate from the storage server to scan the child.

16. Regarding claims 5 and 20, **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly teach scanning a child node to collect information about the child node, and combining the information into a summary of the directory occur concurrently. However, **Kita** teaches scanning a child

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node to collect information about the child node, and combining the information into a summary of the directory occur concurrently. (See column 5, lines 14-18 "...the agent gathers information related to: capacity of storage resources of its client computer; available storage space in each of the storage resources; number and size of files in each of the storage resources, as well as the number and size of files contained in the storage resources for each user of the client computer..." and lines 27-29 "The information may be processed in the SRM agent to reduce the total quantity of information to be sent to the SRM server." These two lines taken in combination suggest that the scanning of the information and combining of the information are occurring concurrently in the same location – the SRM agent.) It would have been obvious to one with ordinary skill in the art to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including the concurrent scanning and combining as disclosed in **Kita**, the server can be more efficient by not being burdened with as much of the processing. It is for this reason that one of ordinary skill in the art would have been motivated to include scanning a child node to collect information about the child node, and combining the information into a summary of the directory occur concurrently.

17. Regarding claims 7 and 22, **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly teach accessing the summary using a graphical user interface (GUI). However, **Kita** teaches accessing the summary using a graphical user interface (GUI). (See column 5, lines 6-8 "The

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information stored in the SRM database is accessible to a user of the SRM system through the SRM user interface.”) It would have been obvious to one with ordinary skill in the art to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including a user interface as disclosed in **Kita**, the information is allowed to be accessed directly by the administrator. It is for this reason that one of ordinary skill in the art would have been motivated to include accessing the summary using a graphical user interface (GUI).

18. Regarding claims 8 and 23, **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly teach accessing the summary using a GUI comprises accessing the summary over a network using a web browser. However, **Kita** teaches accessing the summary using a GUI comprises accessing the summary over a network using a web browser. (See column 6, lines 29 – 33 “...the SRM user interface consists of a workstation in the computer network having a web browser, such as Microsoft Internet Explorer Version 4.01, or higher, that allows the workstation to access the SRM server.”) It would have been obvious to one with ordinary skill in the art to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including a web browser for accessing the user interface as disclosed in **Kita**, the information is allowed to be accessed directly by the administrator anywhere internet accessible, providing for a more robust method. It is for this reason that one of ordinary

skill in the art would have been motivated to include accessing the summary using a GUI comprises accessing the summary over a network using a web browser.

19. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cole** and **Kita** as applied to claim 2 above, and further in view of **Mizelle et al.**

(hereinafter, **Mizelle**, US 2004/0122936). **Cole** and **Kita** teach a method and computer readable medium substantially as claimed. **Cole** and **Kita** do not explicitly disclose writing the summary comprises writing the summary to a multi-appliance management application (MMA) before writing the summary to a database server. However, **Mizelle** discloses writing the summary comprises writing the summary to a multi-appliance management application (MMA) [114] before writing the summary to a database server [124]. (See page 3, paragraph [0023] "The data management application 114 stores and manages information that may suitably be stored on a data analysis storage server 124, which maintains a metric database 126 and a resource library 128.") It would have been obvious to one with ordinary skill in that art at the time of the invention to combine the teachings of **Cole** and **Kita** with that of **Mizelle** because **Mizelle** also deals with processing data stored on servers across a network, and by including the MMA as disclosed in **Mizelle**, the method can be more efficient by only transferring the summary to the server after the information has been processed by the application. It is for this reason that one of ordinary skill in the art would have been motivated to include writing the summary comprises writing the summary to a multi-appliance management application (MMA) before writing the summary to a database server.

20. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cole** as applied to claim 1 above, and further in view of **Leshem et al.** (hereinafter, **Leshem**, US 2005/0050203). **Cole** teaches a method and computer readable medium substantially as claimed. **Cole** does not explicitly disclose scanning a directory comprises using a directory thread to scan the directory, and wherein scanning a child node comprises using a file thread to scan the child node. However, **Leshem** discloses scanning a directory comprises using a directory thread [120] to scan the directory, and wherein scanning a child node comprises using a file thread [122] to scan the child node. (See page 11, paragraph [0159] "The use of multiple scanning threads provides the significant benefit of allowing multiple server requests to be pending simultaneous, which in-turn reduces the time required to complete the scanning process." While this is referring to scanning web pages, the rationale behind the threads are exactly the same as in the instant application. See paragraph [0161] "Upon initiation of the scanning process by the user, the main thread 120 obtains the URL (address) of the home page (or the URL of some other starting location) of the website to be scanned....[0162] "Once the home page URL has been obtained, the main thread 120 launches a scanning thread 122 to scan the HTML home page." Here, the directory thread represents the main thread, and the file thread is represented by the scanning thread.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cole** with that of **Leshem** because both are in the area of data compilation across disparate storage systems, and websites located on

various servers is analogous to storage devices located on various servers. By including the separate threads as disclosed in **Leshem**, the method, as quoted in the lines above, can be significantly more efficient by allowing simultaneous scans to occur. It is for this reason that one of ordinary skill in the art would have been motivated to include scanning a directory comprises using a directory thread to scan the directory, and wherein scanning a child node comprises using a file thread to scan the child node.

21. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hackworth** as applied to claim 10 above, and further in view of **Kita**. **Hackworth** teaches an apparatus substantially as claimed. **Hackworth** does not specifically disclose the information is combined into the summary while the agent collects the information. However, **Kita** discloses the information is combined into the summary while the agent collects the information. (See column 5, lines 14-18 "...the agent gathers information related to: capacity of storage resources of its client computer; available storage space in each of the storage resources; number and size of files in each of the storage resources, as well as the number and size of files contained in the storage resources for each user of the client computer..." and lines 27-29 "The information may be processed in the SRM agent to reduce the total quantity of information to be sent to the SRM server." These two lines taken in combination suggest that the scanning of the information and combining of the information are occurring concurrently in the same location – the SRM agent.) It would have been obvious to one with ordinary skill in the art to combine the teachings of **Hackworth** with

that of **Kita** because both references are related to processing directories located on a storage device and by including the combined summary and collection as disclosed in **Kita**, the server can be more efficient by not being burdened with as much of the processing. It is for this reason that one of ordinary skill in the art would have been motivated to include the information is combined into the summary while the agent collects the information.

22. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hackworth** as applied to claim 10 above, and further in view of **Mizelle**.

23. Regarding claim 13, **Hackworth** teaches an apparatus substantially as claimed. **Hackworth** fails to disclose a multi-appliance management application (MMA) coupled to the storage server and the agent, the MMA to manage the storage server. However, **Mizelle** discloses a multi-appliance management application (MMA) coupled to the storage server and the agent, the MMA to manage the storage server. (See page 3, paragraph [0023] "The data management application 114 stores and manages information that may suitably be stored on a data analysis storage server 124, which maintains a metric database 126 and a resource library 128.") It would have been obvious to one with ordinary skill in that art at the time of the invention to combine the teachings of **Hackworth** with that of **Mizelle** because **Mizelle** also deals with processing data stored on servers across a network, and by including the MMA as disclosed in **Mizelle**, the method can be more efficient by only transferring the summary

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to the server after the information has been processed by the application. It is for this reason that one of ordinary skill in the art would have been motivated to include a multi-appliance management application (MMA) coupled to the storage server and the agent, the MMA to manage the storage server.

24. Regarding claim 14, **Hackworth** additionally discloses a graphical user interface (GUI) coupled to the MMA. (See page 3, paragraph [0029] "The information is displayed and manipulated using a graphical user interface (GUI) than can include a display, keyboard and mouse.")

25. Claims 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cole** in view of **Kita** and in view of **Leshem**.

26. Regarding claim 25, **Cole** discloses a method of collecting data from a file server comprising:

scanning [searching] a directory on the file server (See page 3, paragraph [0033] "In the above representative command line format, "pathname" identifies a target directory, the contents of which the user desires to be searched...");

determining a number of child nodes in the directory and adding the number of child nodes to a reference count (See page 4, paragraph [0035] "...it increments counters for the total number of files and directories encountered, and then returns to the parent directory at 324.");



scanning a child node in the directory to determine information about the child node; and combining the information into a summary of the file server using the agent;

reducing the count after scanning the child node. (See page 4, paragraph [0035] "If, on the other hand, the user does wish for sub-directories to be recursively checked..., then the software proceeds at 336 to recursively test all files in each directory or sub-directory that is encountered." Examiner interprets the recursion routine to automatically decrement the count as described in the claim, since recursion would necessarily involve doing so. Also, while **Cole** is scanning for whether or not files are encrypted, the basic process of searching the directories for all of the files and collecting information, as noted in the claim, is still occurring.)

**Cole** does not explicitly teach using a directory thread operated by an agent, a file thread operated by an agent, and storing the summary on a database server.

However, **Leshem** discloses using a directory thread operated by an agent and using a file thread [122] operated by an agent. (See page 11, paragraph [0159] "The use of multiple scanning threads provides the significant benefit of allowing multiple server requests to be pending simultaneous, which in-turn reduces the time required to complete the scanning process." While this is referring to scanning web pages, the rationale behind the threads are exactly the same as in the instant application. See paragraph [0161] "Upon initiation of the scanning process by the user, the main thread 120 obtains the URL (address) of the home page (or the URL of some other starting location) of the website to be scanned....[0162] "Once the home page URL has been obtained, the main thread 120 launches a scanning thread 122 to scan the HTML home

page.” Here, the directory thread represents the main thread, and the file thread is represented by the scanning thread.) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Cole** with that of **Leshem** because both are in the area of data compilation across disparate storage systems, and websites located on various servers is analogous to storage devices located on various servers. By including the separate threads as disclosed in **Leshem**, the method, as quoted in the lines above, can be significantly more efficient by allowing simultaneous scans to occur. It is for this reason that one of ordinary skill in the art would have been motivated to include using a directory thread operated by an agent and using a file thread [122] operated by an agent.

Additionally, **Kita** teaches storing the summary on a database server [SRM database]. (See column 5, lines 4 – 6 “The SRM server performs additional processing of the information received from the SRM agents and stores the information in the SRM database.”) A person of ordinary skill in the art would have been motivated to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including writing the summary to a database server as disclosed in **Kita**, the information that is gathered using the method as disclosed in **Cole** and be stored and used for further processing. It is for this reason that one of ordinary skill in the art would have been motivated to include storing the summary on the database server.

27. Regarding claim 29, **Cole** teaches a method substantially as claimed. **Cole** fails to teach scanning a child node and combining the information occur concurrently. However, **Kita** teaches scanning a child node and combining the information occur concurrently. (See column 5, lines 14-18 "...the agent gathers information related to: capacity of storage resources of its client computer; available storage space in each of the storage resources; number and size of files in each of the storage resources, as well as the number and size of files contained in the storage resources for each user of the client computer..." and lines 27-29 "The information may be processed in the SRM agent to reduce the total quantity of information to be sent to the SRM server." These two lines taken in combination suggest that the scanning of the information and combining of the information are occurring concurrently in the same location – the SRM agent.) It would have been obvious to one with ordinary skill in the art to combine the teachings of **Cole** with that of **Kita** because both references are related to processing directories located on a storage device and by including the concurrent scanning and combining as disclosed in **Kita**, the server can be more efficient by not being burdened with as much of the processing. It is for this reason that one of ordinary skill in the art would have been motivated to include scanning a child node and combining the information occur concurrently.

28. Regarding claim 30, **Cole** additionally discloses scanning another directory once the reference count is equal to zero. (See **Cole**, page 4, paragraph [0035] "If, on the other hand, the user does wish for sub-directories to be recursively checked..., then the

software proceeds at 336 to recursively test all files in each directory or sub-directory that is encountered.” Examiner also interprets the recursion routine to incorporate this limitation from the claim. Once the count associated with the recursion routine reaches zero, the next directory is then scanned.)

29. Claims 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cole** in view of **Kita** and in view of **Leshem** as applied to claim 25 above, and further in view of **Mizelle**.

30. Regarding claim 26, **Cole**, **Kita**, and **Leshem** teach a method substantially as claimed. **Cole**, **Kita**, and **Leshem** fail to disclose the agent is controlled by a multi-appliance management application (MMA). However, **Mizelle** discloses the agent is controlled by a multi-appliance management application (MMA). (See page 3, paragraph [0023] “The data management application 114 stores and manages information that may suitably be stored on a data analysis storage server 124, which maintains a metric database 126 and a resource library 128.”) It would have been obvious to one with ordinary skill in that art at the time of the invention to combine the teachings of **Cole**, **Kita**, and **Leshem** with that of **Mizelle** because **Mizelle** also deals with processing data stored on servers across a network, and by including the MMA as disclosed in **Mizelle**, the method can be more efficient by only transferring the summary to the server after the information has been processed by the application using the

MMA. It is for this reason that one of ordinary skill in the art would have been motivated to include the agent is controlled by a multi-appliance management application (MMA).

31. Regarding claim 27, **Kita** additionally discloses a graphical user interface (GUI) coupled to the MMA [SRM system]. (See column 5, lines 6-8 "The information stored in the SRM database is accessible to a user of the SRM system through the SRM user interface.")

32. Regarding claim 28, **Cole, Kita, and Leshem** teach a method substantially as claimed. **Cole, Kita, and Leshem** fail to disclose the summary is written to the MMA before storing the summary on the database server. However, **Mizelle** discloses the summary is written to the MMA [114] before storing the summary on the database server [124]. (See page 3, paragraph [0023] "The data management application 114 stores and manages information that may suitably be stored on a data analysis storage server 124, which maintains a metric database 126 and a resource library 128.") It would have been obvious to one with ordinary skill in that art at the time of the invention to combine the teachings of **Cole, Kita, and Leshem** with that of **Mizelle** because **Mizelle** also deals with processing data stored on servers across a network, and by including the MMA as disclosed in **Mizelle**, the method can be more efficient by only transferring the summary to the server after the information has been processed by the application. It is for this reason that one of ordinary skill in the art would have been

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motivated to include the summary is written to the MMA before storing the summary on the database server.

### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


**Tabellion et al.** discloses collecting data on a storage server as well as having agents for each server and the user interface.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Dv  
14 September 2006

  
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15 September 2006